

SPENCER CITY COUNCIL MEETING
April 2, 2018
SPENCER, IOWA

The City Council of the City of Spencer, Iowa, met on the 2nd day of April, 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, Orrison, Bomgaars, Prentice, Moriarty
Absent: Jacobson, Hanson

An update was given on Arts on Grand by Director, Ryan Odor.

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

Approve Minutes of March 19, 2018;

Ownership update and Class A Liquor License for Loyal Order of Moose Lodge; Class C Liquor with Sunday Sales for Weasy's Lounge & Grill; Premises Update for Clay County Fairgrounds for Event April 7, 2018; Premise Update for The Bear Coffeehouse and Wine Bar and Gary's on the River to add upper level of building & New Class C Liquor with Sunday Sales for Prime Rib;

Approve Renewal Agreement with Northwest Iowa Planning & Development Commission for the SHIELD Workplace Safety & Compliance Program;

Approve MLS Landscape & Design, Inc. and Dakota Traffic Services, LLC as Subcontractors, under OEL Construction, for Iowa Great Lakes Trail, Phase II (18th Street Portion);

RESOLUTION 5759: RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREET (2nd Avenue West) IN THE CITY OF SPENCER AS REQUESTED BY RELAY FOR LIFE ON JUNE 23, 2018, FOR RELAY FOR LIFE EVENT;

RESOLUTION 5760: A RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREETS IN THE CITY OF SPENCER, IOWA FOR THE 2018 FLAGFEST CELEBRATION;

Approve Revised Quote from ICAP for Property & Liability Insurance, effective April 1, 2018, for an increase of \$ 621.15;

Approve Quote from Pixler Electric for \$23,850 for electrical panel and pump upgrades at three lift stations, included in CIP Plan;

RESOLUTION 5761: A RESOLUTION SETTING A PUBLIC HEARING AND DIRECTING THE PUBLICATION OF NOTICE OF THE VOLUNTARY ANNEXATION OF A PARCEL OF REAL PROPERTY FOR GREEN & YELLOW LLC: (HEARING DATE: MAY 7, 2018, 6:30 PM)

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

Ayes: Petska, Orrison, Bomgaars, 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 Proposed Development Agreement with William J. Muller Revocable Trust;

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, Orrison, Bomgaars, Prentice, Moriarty
Nays: None

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

RESOLUTION NO. 5762: RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH THE WILLIAM J. MULLER REVOCABLE TRUST, AUTHORIZING ANNUAL APPROPRIATION LOCAL OPTION SALES AND SERVICES TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN LOCAL OPTION SALES AND SERVICES TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

The Mayor announced that this was the time and place set for a Public Hearing on Proposed Development Agreement with ESC, LLC;

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 Orrison introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Petska. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Petska Orrison, Bomgaars, Prentice, Moriarty

Nays: None

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

RESOLUTION NO. 5763: RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH ESC, LLC, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING

CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

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

Ayes: Petska, Orrison, Bomgaars, Prentice, Moriarty

Nays: None

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

RESOLUTION NO. 5764: A RESOLUTION APPROVING THE REPLAT OF LOT 27, SPENCER MUNICIPAL UTILITIES ADDITION AS A SUBDIVISION OF THE CITY OF SPENCER, CLAY COUNTY, IOWA.

It was moved by Council Member Prentice, seconded by Council Member Bomgaars to approve Grant of Permanent Sanitary Sewer Easement and Temporary Construction Easement with Gary Toft. 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 Moriarty to approve Grant of Permanent Sanitary Sewer Easement and Temporary Construction Easement with H & J Holdings, LLC. 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 Permanent Sanitary Sewer Easement and Temporary Construction Easement with Randy & Linda Nieman. The motion was declared carried when all Council Members present voted aye on voice call vote.

The Mayor announced that bids for the construction of the 2018 4th Avenue West CDBG Project - Phase II had been received until 3:00 p.m. on March 22, 2018, at the office of the City Clerk, Spencer, Iowa, and that on the same day, at the same time, in the City Council Chambers, 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 4th Avenue West CDBG Project - Phase II are as follows:

<u>Name and Address of Bidder</u>	<u>Amount of Bid</u>
Hulstein Excavating, Inc. Edgerton, MN 56128	\$2,128,615.10
Vander Pol Excavating Orange City, IA 51041	\$2,176,871.44
H & W Contracting, LLC Sioux Falls, SD 57107	\$2,587,297.25
King Contracting, LLC Wall Lake, IA 51466	\$2,811,115.59

Council Member Bomgaars introduced the resolution next hereinafter set out, and moved that the said resolution be adopted; seconded by Council Member Moriarty; 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 Orrison, Bomgaars, Prentice, Moriarty
Nays: None

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

RESOLUTION NO 5765: RESOLUTION AWARDDING CONTRACT FOR THE 2018 4TH AVENUE WEST CDBG PROJECT - PHASE II (HULSTEIN EXCAVATING INC, \$2,128,615.10)

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

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

Council Member Bomgaars introduced and caused to be placed on file an ordinance entitled, "AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 11, SUBSECTION D OF THE SPENCER CITY CODE, AMENDING WASTEWATER SERVICE CHARGES IN THE CITY OF SPENCER"

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, Prentice, Moriarty
Nays: None
Absent: None

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

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

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

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

**RESOLUTION NO 5766: RESOLUTION PROVIDING FOR
PREPAYMENT OF GENERAL OBLIGATION LANDFILL FACILITY
REFUNDING BONDS, SERIES 2010A**

It was moved by Council Member Moriarty, seconded by Council Member Bomgaars to Approve Grant of Temporary Construction Easement with Interstate Power and Light Company, d/b/a Alliant Energy. The motion was declared carried when all Council Members present voted aye on voice call vote.

Department Head Reports:

Planning Department
Fire
Police
Public Works
Golf Department
City Attorney

Engineer's Report:

City Manager's Report:

Mayor's Report:

Council/Committee Reports and Upcoming Events:

Committee of the Whole, 04/09/2018, 5:30 P.M. for City Manager On-Boarding & Evaluation (Closed Session);

Progress & Development Committee, 4/24/2018, 6:00 P.M. for Riverfront Discussion & Electrical Board recommendations;

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:

Othell Lewis, 802 E. 7th St., Spencer, burn corn, issues with trailers. Concerns about sidewalk.

It was moved by Council Member Petska and seconded by Council Member Orrison 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.

Kevin Robinson, Mayor

ATTEST:

Theresa E. Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

Claims March 19, 2018

<u>VENDOR SORT KEY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A & M Inc	laundry svce	362.15
AFLAC	aflac insurance	1,084.46
Advanced Systems Inc	copy machine 3/17-6/16 + o	385.16
Airgas North Central	welding supplies	360.15
Alliant Energy/ILP	2/2-3/2 mo chg menards add	295.42
Alpha Wireless	radio repair/supplies	355.10
American Public Works Association	apwa dues white 6/1/18-5/3	660.00
Animal Medical Center PC Hartley/S	animal control - feb18	1,109.00
Arbor Day Foundation	annual membership-tree cit	15.00

Arnold Motor Supply	misc parts/supplies	55.70
Audio Editions	audio books	8.00
Bankers Trust	Initial fee bankers trust	300.00
Barco Municipal Products Inc	cutting edges for plow tru	1,120.00
Black Hills Energy	1/25 - 2/26 mo chg	3,097.36
BlackStrap Inc	road salt	4,876.53
Bomgaars	misc parts/supplies	628.01
Book Look	adult christian fiction	857.39
Breidinger, Shane	snow removal event on 2/24	590.00
Brownells Inc	gun cleaning supplies	23.78
Buds Service Inc	feb 2018 towing service	1,800.00
Central Payment	february 18 mo cc fees	471.53
Century Business Products	12/7 - 3/6/18 contract	115.35
Clay County Recorder	feb 8 recording fees	74.00
Colonial Life Insurance	colonial life insurance	142.02
Community Insurance	march 18 broker fee	1,000.00
Conyn, John	lodging 3/2-3/7 -fire mgmt	145.60
Cooperative Energy Company	propane for thawing grove	64.00
Copper Cottage	service call	2,439.30
Creative Product Sourcing Inc	mug & tshirt	39.25
Crescent Electric	light bulbs/ballasts	141.54
Crysteel Truck Equipment	snowplow cutting edges	1,092.00
Department of Human Services	child support payments	981.68
Dorsey & Whitney LLP	disclosure counsel go bond 18	21,500.00
Duhn, Chuck	travel voucher-10hr ceu	7.16
Egland, Tim	travel voucher-10 hr ceu	8.44
Eleven Eleven	Eleven Eleven	610.00
Elliott Equipment Co	joystick u #806	1,350.05
Elm USA Inc	disc cleaner contracr	70.00
Emmetsburg Swanson Hardware	misc parts/supplies	19.97
	depend flex/vol life ins/midical flex/group ins	
Employee Benefit Services	flex	12,157.36
Farmers Trust & Savings Bank	payroll taxes	33,914.86
Fox International Inc / NCI	fuel line & fittings u #80/light	57.17
Graham Tire Center	steer tires u #812	944.16
H & N Chevrolet-Buick	control u# 145	107.81
Hansons Plumbing & Heating	bathrm valve-lf	152.28
Harrison Truck Centers	misc parts/supplies	1,669.53
Hemphill Law Office PLC	feb 18 legal services	6,709.50
ICAN	75 spot ads-lf commercials	300.00
ICMA Retirement Trust - 457	icma	360.00
IPERS	IPERS	18,517.65
Iowa Alcoholic Beveages Division	liquor lic-smgc	1,352.00
Iowa Department of Natural Resourc	2018 4th ave w cbdg pro ph/permits	900.00
Iowa Department of Public Health	aq ctr state registration	105.00
Iowa Department of Revenue	march 18 sales/use tax	8,749.00
Iowa Lakes Electric Cooperative	2/1-3/1 mo chg	568.99
Iowa Parks & Recreation Associatio	cpo training-berends/hamri	360.00
Iowa State University	reg fee-john conyn	25.00
Janitors Closet	towels/garbage bags	85.10

Johnston Auto Stores	misc parts/supplies	288.97
Ken Borth Auto Plaza Inc	cables snowplow u #144	79.04
Koenig Portable Tiolets	jan portal rental	600.00
Kristat Auto Parts LLC	misc parts/supplies	1,041.73
Kruse, Cate & Nelson	eng svces thru 2/28/18	33,128.00
Maxyeild Cooperative-Acct 4529	fuel	4,704.51
McClure Engineering Co	pro svce 1/28-2/24/18	22,951.50
Menards -Spencer	misc parts/supplies	241.10
Movie Licensing USA	4/1/18-3/31/19 license	471.00
Muckey, Terry	snow removal event 2/24/18	465.00
Municipal Fire & Police Retirement	civil svce p/f	19,229.45
Napa Auto Parts	misc parts/supplies	468.02
Nielsen's Tire Company	tire repair u #812	84.00
Norgaard Sand & Gravel	snow hauling downtown 2/26	1,810.00
Noteboom Implement LLC	misc parts/supplies	323.05
Overhead Door Company of Sioux Clt	svce call door	195.00
Pitney Bowes Global Financial Serv	12/30/17 - 3/29/18 lease-c	474.18
Pixler Electric	elect svce=ballast fd	75.00
Postmaster-Graettinger	po box rental renewal-lf	56.00
Pro Cooperative	scale usage	10.00
Productivity Plus Account/Spencer	misc parts/supplies	119.70
R & R Products Inc	misc parts/supplies	2,383.55
RMC Imaging Inc	microfilm maintenance	600.00
Road Machinery & Supplies Co	replace hand rail u #850	1,431.34
Ricks Pect Control	pest control march-fd	45.00
River Valley Telecommunications	phone & internet	93.12
Sieh Farm Drainage Inc	feb 18 snow hauling	1,760.00
Sioux City Truck Sales Inc	door starp u #806/fc	65.82
Southern Minnesota Inspection	new lanyards	183.42
Speed Printers	po forms/dumpster order fo	437.61
Spencer Auto Parts	misc parts/supplies	332.81
Spencer Daily Reporter	legal ads-feb18	1,321.28
Spencer Employess Association.	sea dues	145.00
Spencer Muniiciapl Hospital	cpr cards/employee screenings jan 20	351.40
Spencer Municipal Utilities	monthly utility svce	33,831.76
Spencer Office Supplies	office supplies	129.83
State Steel of Spencer	steel	63.90
The Water Connection	5 gal water - ts	13.00
Treasurer, State of Iowa	state withholding	7,669.00
Treat America Food Service	rifle school - lunches	17.02
United States Postal Services	postage replenish	800.00
US Cellular	monthly charges	856.40
Verizon Wireless	2/24-2/23/18 mo chg	114.66
Waagmeester, Jay	tobacco enforcement	41.25
Warner Funeral Home	refund-dup pymt oliver vog	80.25
Wex Bank-Wright Express FSC	fuel	96.77
Ziegler	hydraulic hose u #72	156.23
**PAYROLL EXPENSES	3/05/2018 - 3/16/2018	181,823.31
	===== FUND TOTALS =====	
1	GENERAL FUND	258,188.16

49	DRUG EDUCATION	39.25
61	ECONOMIC DEVELOPMENT	65.03
62	SHINE LOAN	2,083.33
112	FICA/IPERS	15,683.64
115	GROUP INSURANCE	1,000.00
118	CS POLICE	11,069.89
120	CS FIRE	3,006.85
200	DEBT SERVICE	21,800.00
300	CAPITAL IMPROVEMENT	47,682.01
600	ENTERPRISE CAPITAL IMPR	9,777.99
620	SEWER	9,891.76
660	AIRPORT ENTERPRISE	6,651.87
670	SOLID WASTE	36,763.33
673	LANDFILL	22,448.05
745	GOLF COURSE ENTERPRISE	10,743.49
949	CENTRAL GRAGE	54.84
	GRAND TOTAL:	456,949.49

Month to Date
Revenue

March 2018 Receipts

001-GENERAL FUND	86,538.22
020-PROPERTY INSURANCE	2,194.34
040-CEMETERY RESERVE	1,685.27
041-RIVERSIDE COLUMARIUM	15.18
045-LIBRARY RESERVE	2,161.19
047-COMM CTR RES	893.71
049-DRUG EDUCATION	407.69
050-POLICE RESERVE	5,256.02
052-FIRE CAP IMPR	9,352.01
053-CAPITAL IMPR	160,301.69
054-STR IMP RESERVE	30,236.29
056-PARK RESERVE	10,799.16
060-SRTS RESERVE	2,883.17
061-ECONOMIC DEVELOPMENT	932.87
062-SHINE LOAN	4,201.36
063-RENAISSANCE INITIATIV	25.00
064-CABLE TV	91.09
065-BRIDGE RESERVE	60.73
066-STREET EQUIPMENT RESE	13,296.01
068-CITY HALL RESERVE	2,629.54
070-ST WATER DIST #1	1,855.44
080-STORM SWR RESERVE	1,228.47
085-HOTEL/MOTEL TAX	62,448.14
087-SPENCER CARES	110.74
089-EMERGENCY FUND	449.19
090-QUALITY HSG INITIATIV	103.48
092-TECHNOLOGY FUND	2,659.71
093-ACCRUED BENEFITS	134.50
110-ROAD USE TAX	100,047.32
113-WORK COMP	2,751.33

114-UNEMPLOYMENT	460.69
115-GROUP INSURANCE	34,117.14
117-CIVIL SERVICE - GEN	484.29
118-CIVIL SVC - POLICE	4,129.02
119-POLICE SPECIAL PROCEE	28.58
120-CIVIL SVC - FIRE	1,132.84
122-TREES FOREVER	0.90
124-LOCAL OPTION	278,816.78
125-T.I.F.	9,412.91
127-SALES TAX TIF	98.85
162-SSMID	595.40
200-DEBT SERVICE	1,525,573.72
300-CAPITAL IMPROVEMENT	54,594.12
500-PERPETUAL CARE	300.00
501-RIVERSIDE TRUST	18.75
502-COLUMBARIUM VAULT	4.46
503-NORTHLAWN PERP CARE	64.30
504-GRIFFIN TRUST	56.26
505-LEACH TRUST	16.97
615-WTP RESERVE	1,522.28
620-SEWER	165,884.85
625-SAN SEWER RESERVE	903.76
630-CSI RESERVE	66,868.38
635-SEWER REV BND SKG FUN	96.45
660-AIRPORT ENTERPRISE	6,283.75
661-AIRPORT RESERVE	467.95
670-SOLID WASTE	162,767.35
671-SOLID WASTE RESERVE	884.65
672-SW TRNS ST CLOSURE	15.18
673-LANDFILL	143,575.08
674-LANDFILL RESERVES	1,390.66
677-LF-COMP PLANNING	233.23
678-LF ENVT PROTECTION	169.68
679-LF POST CLOSURE	1,651.42
680-LANDFILL CLOSURE FUND	873.94
682-LANDFILL ENV MGMNT(EM	176.82
685-LANDFILL CELL CONST R	719.44
690-LF REGIONAL COLLECTIO	2,038.89
745-GOLF COURSE ENTERPRIS	12,520.02
949-CENTRAL GRAGE	10,941.10
950-FUEL EQUIPMENT	85,338.82
 GRAND TOTAL REVENUES	 3,080,978.54