

**SPENCER CITY COUNCIL MEETING**  
**September 17, 2018**  
**SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 17<sup>th</sup> day of September, 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, Jacobsen, Hanson, Prentice, Moriarty  
Absent: None

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

Approve Minutes of September 4, 2018;

Approve Approve New Class C Liquor License with Sunday Sales for Pour Judgement at 223 & 225 Grand Avenue; subject to final approval by Iowa Alcoholic Beverages Division;

Approve purchase of 2 RRFB lights for pedestrian safety from General Traffic Controls for \$8822 from Safe Routes to School Reserve (CIP Item);

Approve purchase of 2 Traffic Speed Signs to enhance safety near schools from General Traffic Controls for \$7400 from Safe Routes to School Reserve (CIP Item);

Approve Purchase of 2 2018 Ford Utility Police Interceptors for the Police Department from Don Pierson Ford for \$61,996 (CIP Item);

Approve Sidewalk Construction and Assessment Agreements with Thomas Stallcup at 623 E. 7<sup>th</sup> Street and Thomas and Sharon Norgaard at 500 E. 1<sup>st</sup> Street;

Approve purchase of GPS unit for Planning Department from Leica Geosystems, Inc. for \$8240.00 (CIP Item);

Motion: Approve New Cigarette License for Pour Judgement LLC, 223 & 225 Grand Avenue (formerly Beer 30);

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 that this was the time and place set for a Public Hearing on the 4<sup>th</sup> Avenue West Phase II Sanitary Sewer & Storm Water CDBG Funded Project; Darren Bumgarner, NWIPDC, read the following:

**City of Spencer, Iowa CDBG Status Hearing for Phase II 4<sup>th</sup> Avenue W 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 in Community Development Block Grant (CDBG) funds for Phase II of the 4<sup>th</sup> Avenue W Combined Sewer Overflows (CSO) Project from the Iowa Economic Development Authority (IEDA) on December 4, 2017.

The City of Spencer is currently under an amended 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 II 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 onto adjacent properties and into basements.

Phase II is generally located in an area from 4<sup>th</sup> Avenue West from the south side of W 12<sup>th</sup> Street north to West 18<sup>th</sup> Street and east to 3<sup>rd</sup> Avenue West. CDBG associated improvements made in this area include storm water and sanitary sewer infrastructure improvements and removal and replacement of existing street pavements and driveway approaches as needed. The project area also includes the construction of a storm water retention basin and appurtenances on the northeast corner of the Clay County Fairgrounds near the intersection of 4<sup>th</sup> Avenue West and West 18<sup>th</sup> Street.

An environmental review was completed and IEDA released CDBG funds for construction activities on February 9, 2018. The City procured for construction by means of sealed bids and the City received four (4) bids and awarded a construction contract to Hulstein Excavating Inc., Edgerton, Minnesota in the amount of \$2,128,615.10, of which \$1,850,431.25 is for Division I eligible CDBG project expenses and \$278,183.85 is for ineligible CDBG expenses for Division II (SMU water mains) and Alternate No. 1 for West 13<sup>th</sup> Street Water Main improvements. The Construction commenced on May 16, 2018. As of September 14, 2018, contractors have completed the storm sewer, sanitary sewer, water main and street reconstruction on 4th Avenue West from the beginning of the project near West 12th Street to the south side of West 16th Street. This includes the driveway approach replacement, sidewalk improvements and backfilling of the pavements. The infiltration basin improvements in the northeast corner of the Clay County Fairgrounds have also been completed. The project is just over 60% complete at this time.

Construction will continue through the end of the 2018 construction season and carryover into the 2019 construction season. Construction work is expected to be completed on or before August 15, 2019. Remaining construction activities to be completed for the CDBG eligible portions of the project consists of: Removal and replacement of street pavement, sewer main and storm water infrastructure on West 12<sup>th</sup> Street from 4<sup>th</sup> Avenue West to 3<sup>rd</sup> Avenue West. Replacement of manholes, concrete storm water inlets, storm sewer pipe laterals ranging in size from 10" to 18" and other appurtenances will be constructed on portions of West 14<sup>th</sup> Street, West 15<sup>th</sup> Street and West 16<sup>th</sup> Street from 3<sup>rd</sup> Avenue West to 4<sup>th</sup> Avenue West and along 3<sup>rd</sup> Avenue West from West 12<sup>th</sup> Street to West 13<sup>th</sup> Street for purposes of conveying storm water. Street pavement removal and replacement and sanitary sewer and storm water infrastructure improvements will be constructed from West 16<sup>th</sup> Street to 18<sup>th</sup> Street and the storm water infrastructure will be connected to the newly constructed storm water infiltration basin. Improvements on this project will also include items of work such as removal and replacement of existing street pavements, driveway approaches and sidewalks in the vicinity of remaining storm sewer, street and water main construction. Seeding will be completed on areas as a result of construction activities.

CDBG Claim 4, the most recent CDBG claim and based upon Hulstein Excavating Contractor Payment Estimate No. 4, shows \$340,503 in Federal funds requested and the City contributing \$545,306.50 in local matching funds, for a project total of \$885,809.50 expended on CDBG eligible activities. Of this federal amount, \$7,826.00 is for CDBG administration and \$332,677.00 is for construction activities. The City's primary source of local match is Iowa State Revolving Funds (SRF).

The CDBG contract budget and performance targets with IEDA was amended to include the addition of an infiltration basin to be located on the northeast corner of the Clay County Fairgrounds to provide water quality improvements for a larger portion of the drainage area and routing of the storm water sewer trunk on the west side of 4<sup>th</sup> Avenue West to capture storm water from the infiltration basin instead of making a connection at the intersection of West 18<sup>th</sup> Street. The contract amendment also includes removal and replacement street pavement and replacement of the lateral sewer main and storm water improvements along West 12<sup>th</sup> Street from 4<sup>th</sup> Avenue West to 3<sup>rd</sup> Avenue West. Even with these changes, the overall project budget decreased. A favorable bid environment resulted in the as bid project costs being under the original budget cost estimate. The City was able to add project activities and the overall CDBG eligible project budget decreased from \$2,120,000 submitted with the CDBG budget application and as stated in the CDBG contract to \$1,962,135 as is now stated in the amended CDBG contract budget.

To date no other changes have been made to the project's CDBG contracts budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries.

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 moved that the proposed ordinance entitled “AN ORDINANCE AMENDING TITLE 7, CHAPTER 5 SECTION 7 (A)” be finally passed and adopted as Ordinance No. 833. 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, Orrison, Bomgaars, Jacobsen, Hanson, Prentice, Moriarty

NAYS: None

Whereupon, the Mayor declared the motion carried and Ordinance No. 833 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 833 AN ORDINANCE AMENDING TITLE 7, CHAPTER 5 SECTION 7 (A) OF THE SPENCER CITY CODE CONCERNING PROHIBITED PARKING DURING SNOW EVENTS**

Council Member Bomgaars moved that the proposed ordinance entitled “AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 7(B) OF THE SPENCER CITY CODE TO BE ALSO KNOWN AS SECTION “X” FOR PURPOSES OF ELECTRONIC FILING” be placed on file for the second time. 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, Prentice, Moriarty

Nays : None

Absent: None

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 Moriarty 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 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, at this time, was placed upon its final passage and adoption.

Council Member Petska moved that the proposed ordinance entitled “AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 7(B) OF THE SPENCER CITY CODE TO BE ALSO KNOWN AS SECTION “X” FOR PURPOSES OF ELECTRONIC FILING be finally passed and adopted as Ordinance No. 834. Council Member Orrison 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. 834 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 834 AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 7(B) OF THE SPENCER CITY CODE TO BE ALSO KNOWN AS SECTION "X" FOR PURPOSES OF ELECTRONIC FILING**

Council Member Moriarty introduced and caused to be placed on file an ordinance entitled, "AN ORDINANCE AMENDING TITLE 1, CHAPTER 10, SECTION 2 OF THE SPENCER CITY CODE TO REVISE THE CORPORATE BOUNDARIES OF THE CITY" Council Member Prentice 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

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on 2<sup>nd</sup> filing.

It was moved by Council Member Jacobsen, seconded by Council Member Moriarty to Approve Preliminary Plat for St. Luke's First Addition. The motion was declared carried when all Council Members present voted aye on voice call vote.

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

The Mayor declared the motion carried.

Council Member Bomgaars introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Jacobsen; and after due consideration, thereof by the Council, 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 motion duly carried and said Resolution adopted, as follows:

**RESOLUTION NO. 5835 ACCEPTING WORK COVERING THE 2017 NORTH PARK TRAIL PROJECT**

It was moved by Council Member Orrison, seconded by Council Member Bomgaars to Approve Change Order #2 to 18<sup>th</sup> Street Trail Project for a net dedeuct of \$11,133. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Moriarty, seconded by Council Member Orrison to Approve Grant of Permanent Drainage Easement and Temporary Construction Easement with Jon Hjelm for Transfer Station Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Prentice introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Jacobsen; and after due consideration, thereof

by the Council, 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 motion duly carried and said Resolution adopted, as follows:

**RESOLUTION NO. 5836 RESOLUTION SETTING DATE FOR THE SALE OF GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2018B AND AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH**

It was moved by Council Member Jacobsen, seconded by Council Member Moriarty to Approve Change Order #1 for 2018 11<sup>th</sup> Avenue S.W. Sewer Extension Project to extend completion date to October 8, 2018. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Hanson, seconded by Council Member Orrison to Approve Purchase of Caterpillar Track Loader through Sourcewell Contract Pricing for \$372,620 (CIP Item). The motion was declared carried when all Council Members present voted aye on voice call vote.

**Engineer's Reports:**

**City Manager's Report:**

**Mayor's Report:**

It was moved by Council Member Orrison, seconded by Council Member Bomgaars to Approve Appointment of Nate Schmidt to Northwest Iowa Regional Housing Authority for a 3 year term. The motion was declared carried when all Council Members present voted aye on voice call vote.

**Council/Committee Reports:** Committee of the Whole 10/8/2018, 6:00 P.M.  
Committee of the Whole 9/27/2018, 6:00 P.M.

It was moved by Council Member Prentice, seconded by Council Member Moriarty to approve the Bills and Claims. The motion was declared carried when all Council Members present voted aye on voice call vote.

**Other Business/Opportunity to Address the Council;**

It was moved by Council Member Petska and seconded by Council Member Jacobsen to adjourn the meeting of the Spencer City Council at 7:20 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)

**Claims September 17, 2018**

<u>VENDOR SORT KEY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A & M Inc	laundry services	359.61
AFLAC	aflac insurance	1,084.44
Airgas North Central	gas for torch	111.65
Alliant Energy/ILP	mo utility charges-st ligh	284.79
American Fence Company	leachate pond fences	15,561.00
Animal Medical Center PC Hartley/Spenc	animal control - aug18	1,331.00
Arnold Motor Supply	misc parts/supplies	263.09
Avera Medical Group Spencer	pre-employ - testing	93
Baker & Taylor	childrens/ya books	70.43
Beelner Services Inc	svce call to repair leak	110.55
Beer 30	refund liquor lic-city sha	422.5
Black Hills Energy	mo utility charges	2,728.50
Bomgaars	misc parts/supplies	413.41
Book Look	books	601.54
Buds Service Inc	towing svce - aug	381
C & B Operations LLC	mower parts/repair	1,467.46
C & C Manufacturing LLC	misc parts/supplies	3,427.70
Campbell Tree Service Ltd	tree maintenance	9,877.50
Carroll Construction Supply	misc parts/supplies	148.52
Central Payment	aug mo cc fees	2,080.30
Century Business Products	last pymt contract	115.35
Certified Testing Services Inc	18th street trail project	3,734.25
Clark Trucking	hauling leachate	7,050.00
Clay County Recorder	recording fee-sunrise ease	27
Colonial Life Insurance	colonial life insurance	132.64
Community Insurance	broker fee - sept 2018	1,000.00
Cooperative Energy Company	fin chg	230.65
Copper Cottage	wiring repair	143
Custom Cut Gutters	gutter repair	18
Dels Garden Center	grand avenue maint	1,595.00
Department of Human Services	child support	981.68
Diamond Vogel Paint Center # 289	paint supplies	176.47
Don Pierson Ford	svce call/parts	898.23
E M S Auto Parts/Emmertsburg Auto Plus	fittings	1.39
Elm USA Inc	disc cleaning contract	70
Employee Benefit Services	depend flex/vol life ins/midical flex/group ins flex	12,641.87
Fairchild Manufacturing Inc	welding repair	952.44
Fareway Stores Inc #788	breakroom supplies	22.99
Farmers Trust & Savings Bank	payroll taxes	38,461.97
Fox International Inc / NCI	misc parts/landfill tractor	117,941.65
GODBERSEN-SMITH CONST.CO.	pay est #4- n pk trail -pc	6,468.38
Galens Pro Mow LLC	misc repairs	773.64
Graettinger Hardware	shop supplies	17.57
Graham Tire Center	tire mount/dismount/repairs	397.52
Great Cycle	dvd tags	291.18
Hallett Materials	office area - parking area	103.88
Hemphill Law Office PLC	aug 18 legal services	6,143.19
Howery Construction Inc	pay estimates	73,601.13
Hulstein Excavating Inc	pay est #1 - 2018 11th ave	96,956.05
ICAN	recycling ad - august 18	800
ICMA Retirement Trust - 457	icma	2,460.00
IPERS	ipers	20,094.33
Iowa Communication Networks	telephone july	12.35
Iowa Department of Revenue	aug 18 sales tax	12,326.00
Iowa State University	testing- beneke,watkins,eh	200
Janitors Closet	cleaning supplies	262.03
Johnson, Gayle	refund campgrd reservation	198
Johnston AutoStores	misc parts/supplies	935.33
KUYY-FM	advertising-aug	338
Kruse, Cate & Nelson	eng svces thru 8/31	36,577.02
Kustom Signals Inc	battery	137
Lawn Care Barber	lawn mowing svces	415
Lube Tech	misc parts/supplies	1,877.86
Mar-Lin Business Supply	tape	77.83

Maxyeild Cooperative-Acct 4529	fuel/chemicals	26,548.32
McCann, Linda Betsinger	presenter fee	75
McClure Engineering Co	pro svce thru 8/25/18	5,848.60
McNeilus Truck & Manufacturing Company	parts u #817	55.72
Menards -Spencer	misc parts/supplies	571.09
Mid Iowa Sales	clamps u #803	106.19
Midwest Radar & Equipment	radar certification	400
Midwest Turf & Irrigation	misc parts/supplies	156.98
Municipal Fire & Police Retirement Sys	civil svce p/f	19,937.14
Murphy Tractor - Power Plan	cutting edges u #82	1,875.00
Napa Auto Parts	misc parts/supplies	246.74
Northern Lights Food Service	concession supplies/food	221.73
Northwest Glass Co Inc	entrance lock-north walkin	102
Northwest Printing Co	grass notice signs/permit books	257.58
Noteboom Implement LLC	mower deck spacers	11.82
OEL Construction Services Inc	pay est #4	113,316.13
Old Dutch Foods Inc	concession food	205.1
Payroll Expenses	9/05/2018 - 9/17/2018	204,739.94
Peterbilt of Sioux City	misc parts/supplies	28.66
Petty Cash-Spencer Municipal Golf Cour	replenish checkbook 9/13/1	2,939.74
Pitney Bowes Global Financial Services	mo lease 6/30 - 9/30/18	474.18
Pixler Electric	electrical repair	177.04
Plumbing & Heating Wholesale Inc	plumbing supplies	335.45
Quality Flow Systems Inc	lift stations pump	36,215.00
Ricks Pest Control	sept pest control	90
Schoeneman Bros Company	misc parts/supplies	111.6
Scott Technologies & Telecom	svce call - ch	153
Seamless Docs	sub renewal	5,000.00
Side Street Shop LLC	painted park id signs/sandblast oil pan	270
Snap On Tools	tool for compactor u #850	70.65
Solutions Inc	datto backup/recovery/watchguard	2,073.99
Southside Monuments	replacement vase	77
Spencer Auto Parts	misc parts/supplies	629.57
Spencer Daily Reporter	august advertisement	1,477.45
Spencer Development Group LLC	pay est #2-semi annual dev	9,965.16
Spencer Employess Association.	sea dues	135
Spencer Municipal Hospital	em/ee drug test/em/ee physical	1,190.43
Spencer Municipal Utilities	mo utility charges	41,444.87
Spencer Office Supplies	misc office supplies/stools	1,477.78
Spencer Radio Group	radio ads - aug	1208
Spencer Ready Mix	concrete	2,883.25
Spencer Trophy & Awards	p & z name plates	22
Squire Promotional	clothes/caps/embroidery/sc	1,898.28
Sullivan Concrete	pads for 5 generator proje	3,600.00
Texas Refinery Corp	spray exhaust	174.1
The Water Connection	water/cups	50.9
Thompson Innovation	key fab software update	1,486.95
Thrams, Michael Luick	adult program - presenter	150
Tiger Pride Lawn Care	lawn care service	445
Treasurer, State of Iowa	state withholding	8,201.00
Truck Equipment Inc.	water filter u # 71	209.97
Tyler Technologies	incode trng - ver 9	275
Unity Point Clinic-Occupational Medici	em/ee testing - bell/hefne	84
Universal LLC	cleaner	1,087.19
Verizon Wireless	8/24 - 9/23 mo chg	114.36
Visa (Golf)	misc credit card charges	523.47
Visa - Park	misc credit card charges	348
Wallace's Water Conditioning	water - landfill	70.5
Wex Bank-Wright Express FSC	fuel/rebatges aug 23	90.19
White Glove Janitorial Services & Buil	paper products	115.28
White, Mark	fuel reimbursement 8/1/18	19.17
Wilkens Industries Inc	misc parts	1,362.66
Ziegler	svce call u #851	665.04
	1 GENERAL FUND	287,425.24
	61 ECONOMIC DEVELOPMENT	266.59

62	SHINE LOAN	2083.33
92	TECHNOLOGY FUND	5000
112	FICA/IPERS	16720.75
115	GROUP INSURANCE	1000
117	CIVIL SERVICE	1,114.93
118	POLICE PENSION	11,526.99
120	FIRE PENSION	3,119.09
125	T.I.F.	9,965.16
300	CAPITAL IMPROVEMENT	231,669.64
600	ENTERPRISE CAPITAL IMPR	145,673.54
620	SANITARY SEWER	17,132.65
660	AIRPORT ENTERPRISE	3,984.49
670	SOLID WASTE	39,258.89
673	LANDFILL	27,999.97
674	LANDFILL RESERVES	133,061
682	ENVIRONMENTAL MANAGEMENT	2,234.60
690	REGIONAL COLLECTION CENTE	1,177.80
745	GOLF COURSE	26,036.92
949	CENTRAL GRAGE	1,517.31
950	FUEL EQUIPMENT	24,602.93
	GRAND TOTAL:	992,571.82