

SPENCER CITY COUNCIL MEETING

August 3, 2020

SPENCER, IOWA

The City Council of the City of Spencer, Iowa, met on the 3rd day of August, 2020, 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. Public access was also made available through a conference telephone call.

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: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

Absent: None

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

Approve City Council Minutes of July 20, 2020;

RESOLUTION NO. 6090 RESOLUTION AUTHORIZING PERMANENT TRANSFER OF FUNDS OF BUDGETED TRANSFERS FOR MONTH ENDING JULY 31, 2020;

RESOLUTION NO. 6091 RESOLUTION ACKNOWLEDGING RECEIPT OF FISCAL YEAR 2021 BUDGET AMENDMENT OF SPENCER MUNICIPAL HOSPITAL OF THE CITY OF SPENCER, IOWA;

Approve Advanced Traffic Control, Inc., and Lakeside Construction, Inc., as Subcontractors for 2020 4th Avenue S.W. Trail Project (DOT Let Project);

RESOLUTION NO. 6092 RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREETS IN THE CITY OF SPENCER, AS REQUESTED BY HOPE CHURCH FOR SPECIAL EVENT AUGUST 16, 2020;

RESOLUTION NO. 6093 RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREETS IN THE CITY OF SPENCER, AS REQUESTED BY SETH MCCAULLEY FOR SPECIAL EVENT AUGUST 22, 2020;

RESOLUTION NO. 6094 RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREETS/PARKING LOT IN THE CITY OF SPENCER, AS REQUESTED BY SPENCER COMMUNITY THEATRE FOR SPECIAL EVENT AUGUST 19, 2020, 5:00-10:00 PM;

Authorize Purchase of Two New Sewer Jet Nozzles from MacQueen Equipment, Ankeny, Iowa for \$7417.80 (CIP Item);

Approve Sewer Refund for Jacobsen Homes Corp, for 221 32nd Avenue West, for \$2498.00;

Authorize Application for REAP Grant for Stolley Park Kayak/Canoe Launch Project;

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

Ayes: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

Nays: None

Whereupon the Mayor declared the motion duly carried.

The Mayor announced that this was the time and place set for a Public Hearing on Plan, Specifications, Form of Contract and Estimate of Cost for the Construction of the 2020 4th Street S.E. Sidewalk Project;

Written comments were filed by the following:

None

Oral comments were made by the following:

None

The Mayor announced the hearing closed.

Council Member Nelson introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Reit; 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: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

NAYS: None

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

RESOLUTION NO. 6095 FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE 2020 4TH STREET S.E. SIDEWALK PROJECT;

Kruse, Cate & Nelson, Project Engineers reviewed bids received on the project;

Council Member Hanson introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Larsen; 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: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

NAYS: None

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

RESOLUTION NO. 6096 RESOLUTION AWARDDING CONTRACT FOR 2020 4TH STREET S.E. SIDEWALK PROJECT (\$57,608.53 MLS Landscape & Design);

It was moved by Council Member Orrison, seconded by Council Member Nelson to Approve 3 Temporary Sidewalk Construction Easements for 2020 4th Street S.E. Sidewalk Project with Michael Bland, 419 4th Ave. S.E.; William & Ruby Nitzel, 711 4th Ave. S.E.; and Caroline Hauge, 723 4th Ave S.E. 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 Re-Zoning Proposal from Dr. Dennis J. Zylstra to Change the Zoning Classification of Property Located at 1018 North Grand Avenue from Its Present Zoning Classification of "A" Residential to the "C-1" General Commercial District Zoning Classification;

The Mayor declared the Public Hearing Open.

Written Comments in Favor:

Dr. Dennis Zylstra, 1018 Grand Avenue, Spencer, Iowa (see on file)

Oral Comments in Favor:

Dr. Dennis Zylstra, 1018 Grand Avenue, Spencer, Iowa. *“Every Property from Downtown to the corner of 11th & Grand is already zoned C-1 Commercial, except for mine. Mike Carlson stated that it could open up commercialism and I don’t see why if everything is already zoned commercial from downtown to me. My intention is to sell my property to the hospital and I’m sure that will work. Thank you.”*

Written Comments Against:

1. Grand Avenue Improvement Corporation Letter, signed by Mike Carlson (see on file)
2. Grand Avenue Neighborhood Homeowners Petition (see on file)
3. Bill Bumgarner, representing Spencer Hospital (see on file)
4. Sheriffa Jones, Chair, Spencer Historic Preservation Commission

Oral Comments Against

Mary Jean Montgomery, 1105 Grand Avenue, Spencer, Iowa. *“I’m Mary Jean Montgomery and I live kitty-corner from Dr. Zylstra’s property. I have lived there with my husband for 45 years. We live in the original Bjorn Bjornstad house; pioneer of Spencer. He built 6 homes and we are in the only original home that was built in Spencer. We believe the house was built in about 1892. Here are some of the unique characteristics of this North Grand Residential Neighborhood, from Hope Church to 18th Street. Dr. Zylstra is incorrect; the parcels on Grand are all residential. Going east may be the ones he’s referring to as commercial. Unique characteristics are; it’s one of the few entries to a community in NW Iowa that remains a tree-lined residential street. That happened through your leadership, planning & zoning thoughtful work and the work of your Park Department. Grand Avenue looks stunningly beautiful, but also residential. Another characteristic is the homeowners take tremendous pride with residing, windows and other home improvements into Grand made in the last 12 months. Finally, there’s a tremendous amount of community pride, not just the neighborhood, but the entire community. The second characteristic is the linear neighborhood. It’s a tougher neighborhood to get people together, so one of the goals of the Grand Avenue Improvement Corp, since 2014 is to bring these folks together, which has been pretty successful, but is always a challenge. Another characteristic is that Grand is on the National Registry of Historic Places. It’s a wonderful application that you actually submitted. Thank you to the National Park Service. A lot of residential neighborhoods in the country that are on the National Historic registry, are actually a one architectural style; Grand Avenue covers 4 or 5 or more architectural styles. The last characteristic is that it has encouraged and leveraged a lot of investment, not only into Grand, but into Spencer, including the Vision Iowa Grant, The Devergsten Foundation, other community partners, the Park Department investment and a recent Renaissance Initiative Grant for replacement planting. I urge you as a neighbor but also as part of the entire Grand Avenue Neighborhood, as well as a Spencer Citizen, I urge you to re-affirm the commitment that you made to sustain and enhance the residential and historic character of residential Grand.”*

Dick Montgomery, 1105 Grand Avenue, Spencer, Iowa. *“My name is Dick Montgomery, 1105 Grand Avenue. I have three things that I feel are very important in regard to the zoning of this property. 1. The Planning & Zoning Commission denied this request unanimously. The reason was that there is no good reason for rezoning the property. It’s not a legitimate reason if you are only looking to increase the value of the property, and that is exactly what we have in this case. 2. Rezoning of the property to Commercial really ends up hurting your downtown commercial area, which is now a historic district as well. That’s only 3 blocks south of where this property is and there’s plenty of space downtown for commercial. At the same time, if you allow commercial to creep into the residential area to the north, you will hurt that. You could end up with two areas, which are not successful because you didn’t keep them where they should have been. Finally, there has been a tremendous amount of investment in Grand Avenue over the last 10 years. If I live on Grand and I’m going to put a big investment into my house and I know that the lot across the street can be converted to a Dollar General Store because it’s been rezoned to C-1 Commercial, I’m not going to make that investment. I think that the amount of work done on Grand will continue and it makes it a tremendous street and keeps us a stronger community by keeping the center of our town very viable for housing. Any questions. Thank you for all you’ve done for the City and for Grand Avenue Improvement Corporation.”*

The Mayor announced the hearing closed.

It was moved by Council Member Hanson, seconded by Board Member Reit to **Deny Re-Zoning Proposal** to Change the Zoning Classification of Property Located and 1018 North Grand Avenue from Its Present Zoning Classification of “A” Residential to the “C-1” General Commercial District Zoning Classification. The Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

NAYS: None

Whereupon the Mayor declared the motion duly carried.

Council Member Wunschel introduced and caused to be read the following resolution, seconded by Council Member Nelson; Resolution Approving updated Job Description for Planning Director with 24 months to receive certifications to complete commercial electrical inspections.

Council Member Moriarty introduced and caused to be read the following resolution, seconded by Council Member Hanson; Resolution Approving Job Description for Planning director, with amendment to allow 18 months to receive certifications to complete commercial electrical inspections. The Mayor, put the questions upon the motion, and the roll being called the following named Council Members voted:

AYES: Moriarty

NAYS: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit

Whereupon the Mayor declared the motion **not carried**.

The Mayor then put the question on the original Resolution (with 24 months to receive certifications to complete commercial electrical inspections) and the roll being called the vote thereon was as follows:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

NAYS: None

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

RESOLUTION NO. 6097 A RESOLUTION APPROVING UPDATED JOB DESCRIPTION FOR THE PLANNING DIRECTOR;

Council Member Orrison introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Nelson; 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: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Moriarty

NAYS: None

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

RESOLUTION NO. 6098 A RESOLUTION AMENDING PAGE 32 OF THE SPENCER PERSONNEL POLICY CONCERNING REPORTING OF WORK INJURIES;

Department Head Reports

Planning Department

Library

Fire

Police

Public Works

Park & Recreation

Golf Course
City Attorney

Engineer's Reports:

City Manager's Report:

Mayor's Report:

Council Committee Reports:

Upcoming Meetings:

- Public Works Committee, August 10, 2020, 5:30 P.M.
- Park, Recreation & Culture Committee, August 17, 2020, 5:30 P.M.
- Regular City Council Meeting, August 17, 2020, 6:30 P.M.

It was moved by Council Member Orrison, seconded by Council Member Reit 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 Reit and seconded by Council Member Larsen to adjourn the meeting of the Spencer City Council at 7:53 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.