

**SPENCER CITY COUNCIL MEETING**

**April 4, 2022**

**SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 4<sup>th</sup> day of April, 2022, 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 Bomgaars, in the Chair and the roll being called, the following Council Members were present:

Present: Nelson, Orrison, Larsen, Wunschel, Hanson, Balk

Absent: Reit

Iowa Lakes Corridor Report from Joanne Follon: Best of Iowa 2021 Results and Laborshed Study Results

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

Approve City Council Minutes of March 21, 2022;

Approve Renewal of Class C Liquor License with Sunday Sales for **Prime Rib** and Class C Liquor License with Sunday Sales for **Weasy's Lounge and Grille**, subject to final approval by Iowa ABD;

**RESOLUTION NO. 6292 RESOLUTION ACKNOWLEDGING RECEIPT OF FISCAL YEAR 2022-2023 BUDGET OF SPENCER MUNICIPAL HOSPITAL OF THE CITY OF SPENCER, IOWA;**

**RESOLUTION NO. 6293 RESOLUTION AUTHORIZING PERMANENT TRANSFER OF FUNDS OF BUDGETED TRANSFERS FOR MONTH ENDING MARCH 31, 2022;**

Acceptance of Windcrest I and Windcrest II Sanitary Sewer from Developers and make them part of the Public Sanitary Sewer System;

Approve Temporary Construction Easements for 2022 Sidewalk Ramp ADA Upgrades Project with **Mary Fairchild Irrevocable Trust**, 1017 W. 11<sup>th</sup> Street; **Karin Hogge**, 1018 W. 11<sup>th</sup> Street and **Marvin & Hope Erickson**, 916 11<sup>th</sup> Avenue West;

**RESOLUTION NO. 6294 RESOLUTION TO PROVIDE FOR A NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE 2022 NPRL INTERMEDIATE COVER PROJECT, AND THE TAKING OF BIDS THEREFOR, AND THE TAKING OF BIDS THEREFOR (Letting Date April 28, 2022, 3:00 P.M., Hearing Date May 2, 2022, 6:30 P.M.);**

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, Balk

Nays: None

Whereupon the Mayor declared the motion duly carried.

The Mayor announced that this was the time and place set for Public Hearing on Establishment of the City of Spencer 25<sup>th</sup> Street Southwest Sanitary Sewer District and the Adopting of Connection Fees (Eckhart);

The Mayor declared the public hearing open.

Written comments were filed by the following:

**None**

Oral comments were made by the following:

**None**

The Mayor declared the public hearing closed.

Council Member Nelson introduced and caused to be placed on file an ordinance entitled, “AN ORDINANCE ESTABLISHING THE CITY OF SPENCER “2022 25<sup>TH</sup> STREET SOUTHWEST SANITARY SEWER DISTRICT” AND ESTABLISHING SANITARY SEWER CONNECTION FEES IN THE DISTRICT” Council Member Hanson seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Orrison, Larsen, Wunschel, Hanson, Balk

Nays: None

Absent: Reit

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

The Mayor announced that this was the time and place set for Public Hearing on Proposed Text Amendments to Title 9, Chapter 5, of the Spencer Zoning Code Concerning Permitted Residential Uses Above the Second Floor in “CBD” Zoning District;

The Mayor declared the public hearing open.

Written comments were filed by the following:

**None**

Oral comments were made by the following:

**None**

The Mayor declared the public hearing closed.

Council Member Balk introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 1 OF THE SPENCER CITY CODE, TO ALLOW, AS PERMITTED USES, SINGLE FAMILY RESIDENTIAL, DUPLEX RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL USES IN THE CBD ZONING DISTRICT “Council Member Wunschel seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Orrison, Larsen, Wunschel, Hanson, Balk

Nays: None

Absent: Reit

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

The Mayor announced that this was the time and place set for Public Hearing on Proposed Text Amendments to Tile 9, Chapter 5, of the Spencer Zoning Code Clarifying Section 4, Exterior Wall Requirements, in the “CBD” Zoning District;

The Mayor declared the public hearing open.

Written comments were filed by the following:

**None**

Oral comments were made by the following:

**None**

The Mayor declared the public hearing closed.

Council Member Orrison introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 4, SUBSECTION “B” OF THE SPENCER CITY CODE, TO CLARIFY REQUIREMENTS FOR EXTERIOR WALL COVERINGS IN THE CBD ZONING DISTRICT “Council Member Larsen seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Orrison, Larsen, Wunschel, Hanson, Balk

Nays: None

Absent: Reit

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

It was moved by Council Member Nelson, seconded by Council Member Orrison to Approve Quote from Balance Professionals, Inc. (BPI) for \$4950 for Air Systems Testing and Balancing for Library HVAC Project, Phase II. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Balk, seconded by Council Member Hanson to Approve Quote from Woodman Controls Company for not to exceed \$2000 to Assist with Functional Performance Testing as part of the Retro-Commissioning Process for Library HVAC Project, Phase II. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Wunschel, seconded by Council Member Orrison to Approve Professional Services Contract with Kruse, Cate & Nelson PC for 2022 Spencer Seal Coat Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Nelson, seconded by Council Member Wunschel to Approve Professional Services Contract with Kruse, Cate & Nelson PC for 2022 Crack & Joint Sealing Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Larsen, seconded by Council Member Orrison to Approve Professional Services Contract with Kruse, Cate & Nelson PC for 2022 Intake Replacement Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Wunschel, seconded by Council Member Hanson to Approve Agreement with the YMCA for City of Spencer Aquatic Center Operation for 2022 Season. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Nelson, seconded by Council Member Wunschel to Approve Agreement with the YMCA for City of Spencer Playground Program for 2022 Season. The motion was declared carried when all Council Members present voted aye on voice call vote.

Item 6H Concerning Change Order #3 for New Fire Engine #992 was deleted from the agenda per Fire Department.

It was moved by Council Member Nelson, seconded by Council Member Orrison to Approve Industrial Pretreatment Program On-Call Engineering Services Agreement Renewal with McClure Engineering Services. The motion was declared carried when all Council Members present voted aye on voice call vote.

## **Department Head Reports**

Planning Department  
Library  
Police  
Public Works  
Park & Recreation  
City Attorney's Report

**Engineer's Reports:**

**City Manager's Report:**

**Mayor's Report:**

It was moved by Council Member Orrison, seconded by Council Member Hanson to Approve Appointment of Mayor Steve Bomgaars as City of Spencer Representative to Northwest Iowa Planning & Development Commission Board. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Nelson, seconded by Council Member Hanson to Approve Re-appointment of Connie Larson to Civil Service Commission, term expires 4/1/2026. The motion was declared carried when all Council Members present voted aye on voice call vote.

**Council Committee Reports:**

Upcoming Meetings:

- Committee of the Whole (debt discussion), 4/11/2022, 5:30 P.M.
- Personnel Committee Meeting, 4/14/2022, 5:00 P.M.
- Regular City Council Meeting, 4/18/2022, 6:30 P.M.
- Finance Committee (rate studies), 4/18/2022, 5:00 P.M.
- Committee of the Whole (rate studies), 4/25/2022, 5:30 P.M.

It was moved by Council Member Orrison, seconded by Council Member Balk 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 Orrison, seconded by Council Member Nelson to go into closed session under Iowa Code Section 21.5 (j) regarding purchase or sale of particular real estate. The motion was declared carried when all Council Members present voted aye on voice call vote.

Closed session began at 7:45 o'clock P.M.

The City Council Meeting returned to open session at 8:55 o'clock P.M.

It was moved by Council Member Larsen and seconded by Council Member Wunschel to adjourn the meeting of the Spencer City Council at 8:56 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

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Steve Bomgaars, Mayor

ATTEST:

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Theresa Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

04-04-2022 Claims Vendor Name	Payable Description	Total Payments
A & M Inc	laundry svce	150.35
A-1 Portables	mo porta rental	63.00
Airgas North Central	supplies	124.87
Alex Air Apparatus Inc	5-gallon pails	450.00
Alpha Wireless Communications Co	battery	164.00
Alzheimers Association	refund shelter resv	100.00
Amazon Capital Services	Kids Program	1,081.55
American Business Phones	phone system FINAL	36,751.88
Arnold Motor Supply LLP	supplies	628.96
Arts on Grand	2nd half annual support	6,850.00
AT & T Mobility	mo charges	982.10
Auto Refinish Solutions	paint repair	2,118.01
Avera	vol fire/street	536.00
Baker & Taylor	kids & teen books	637.33
Barco Municipal Products Inc	signs and parts	1,281.67
Black Hills Energy	mo. util.	275.97
Blacktop Service Company	pay est #3	10,320.85
Bolton & Menk Inc	Eng Svcs	1,749.50
Bomgaars	supplies	1,227.63
C & B Operations LLC	toggle switch	41.37
Carroll Construction Supply	concrete re-bar	1,395.00
CB Household Hazardous Waste Agency	hhw training	70.00
Central Iowa Distributing Inc	offic supplies	94.00
Christiansen Construction Company	Pay Est #12	91,594.62
Clay County Auditor	monthly jail payment	2,083.33
Clay County Convention & Visitors Bureau	2nd half annual support	15,000.00
Clay County Heritage Center	2nd half annual support	6,850.00
Clay County Regional Event Center	monthly contribution	4,166.66
Community Insurance	April broker fee	1,000.00
Cooperative Energy Company	propane	78.00
Corporate Translation Services, Inc.	language service	4.62
Crescent Electric	parts	16.97
Culligan of Spencer	water	52.95
Davenport Fire Department	registration	150.00
Demco	supplies	208.98
Devaney, Melanie	program presenter	250.00
Diamond Vogel Paint Center # 289	supplies	20.76
Don Pierson Ford Lincoln Inc	a/c repair	482.66
Ecolab Pest Elimination	pest control	125.29
Elliott Equipment Company	roller	451.10

Emmetsburg Reporter Democrat	police co-op adv	114.75
Emmetsburg Swanson Hardware	supplies	34.48
Estherville News and Spirit	police ad	71.00
Fastenal Company	parts	284.71
Feld Fire	trk svc	992.78
Flagfest	ANNUAL SUPPORT	3,000.00
Fleetpride Inc	supplies	1,530.64
Gabrielle, Jillann	adult program	500.00
Gale/Cengage Learning	books	136.35
Gordon Flesch Company Inc	copy machine contract	1,311.36
Graettinger Hardware	parts	88.51
Graham Tire Company of Spencer Inc	tire mounting	527.97
Great Lakes Concrete Inc	concrete for shop	581.25
GRP & Associates Inc	sharps disposal	507.00
Hemphill Law Office PLC	April, May, June 2022 Retainer	2,500.00
Hiway Truck Equipment	parts	428.94
Hydro Klean	Retainage	5,859.74
Hy-Vee Food Stores #1636	supplies	24.55
ICAP	Liability Insurance	257,344.00
Ingram Library Services	books	191.67
Iowa Department of Public Safety	online warrants	3,075.00
Iowa Lakes Corridor Development Corp	annual support	31,250.00
Iowa State University Extension Office Clay County	training	35.00
Janitors Closet	supplies	201.24
Koenig Portable Toilets	Stolley	1,291.00
Kristat Auto Parts LLC	parts	143.60
Lawson Products, Inc.	safety gloves	79.20
Leading Edge Aviation Inc	monthly fees	3,375.00
Lube Tech	supplies	539.81
MacQueen Equipment LLC	repairs	2,082.01
Mar-Lin Business Supply	supplies	91.99
McNeilus Truck & Manufacturing Company	seal kit	100.09
Menards -Spencer	striping paint	1,757.09
MichaelSon Inc	road maint	749.64
MWI Holdings LLC	Dev Ageement	11,676.30
Napa Auto Parts	oil dry	558.48
New Century Press	police ads	50.63
New Cooperative Inc	fuel	43,522.74
North Central International, Inc.	parts	981.09
Northern Lights Distributing Inc	food items	635.60
Northern Safety & Industrial Co	supplies	56.67
Palo Alto County Sheriffs Office	GARN006045	402.52
People for Pets	2nd 1/2 annual support	4,200.00

Petty Cash-Spencer Municipal Golf Course	golf checkbook 3/25/2022	2,630.93
Pixler Electric	parts	1,590.40
Plows Plus, Inc.	plow part	43.72
Quadient Finance USA Inc	postage	600.00
Quality Refrigerated Services Inc	Pymt #8 Dev Agreement	31,318.26
R & R Products Inc	Roller	429.60
Regional Transit Authority	2nd 1/2 annual support	10,000.00
River Valley Telecommunications Coop	phone/internet/office	91.54
RJ Thomas Manufacturing Company Inc	memorial bench	1,774.00
Safety Vision LLC	card reader	243.42
Schoeneman Bros Company	expanding foam	12.98
Shine Brothers Inc	Pymt #10 -2015 Expansion	14,156.70
Siouxlinks Golf Magazine LLC	golf subscription	300.00
Solutions Inc	labor	5,000.00
Speeds Automotive Supply	10 golf carts	49,107.00
Spencer Area Activity Center	2nd half annual support	6,250.00
Spencer Auto Parts	tools	357.58
Spencer Chamber of Commerce	2nd 1/2 annual support	25,250.00
Spencer Community Theatre	2nd half annual support	7,500.00
Spencer Diesel Injection	injector treatment	82.24
Spencer Economic Development Corporation	2nd half annual support	4,500.00
Spencer Fire Works	ANNUAL SUPPORT	2,000.00
Spencer Main Street Company	2nd half annual support	7,500.00
Spencer Municipal Hospital	drug screen	93.26
Spencer NF Inc	Pymt #12 of Dev Agreement	43,712.41
Spencer Office Supplies	supplies	734.15
Spencer Trophy & Awards	name plates	144.25
SS Morton, Inc.	paint	743.00
Sta-Mel Enterprises Inc	icing salt	3,801.75
State Steel of Spencer	steel supplies	111.20
The Lakes News Shopper	police ads	103.50
The New York Times	subscription	520.00
The Retrofit Companies Inc	recycling	828.00
The Water Connection Inc	5 GAL. RO/CASE	100.00
Tiger Pride Lawn Care LLC	Softball Fields	2,116.94
Titan Machinery/Productivity Plus Account	switch	25.67
Truck Center Companies	parts	228.17
Tyler Technologies Inc	Incode online maint	5,212.00
Uline	flooring corners & mats	981.26
Upper Des Moines	2nd half annual support	3,250.00
Vans Sanitation Inc	recycling	528.60
Verizon Wireless	fire/ planning/planning	96.59
Visa (Admin)	flipping book	3,313.17

Visa (Fire)	menards	25.66
Visa (Golf)	Advertisement	714.58
Visa (Landfill)	solid waste dues	358.00
Visa (Library)	magazine subscription	1,888.25
Visa (Park)	VB Boundary Lines	1,725.23
Visa (Police)	school registration	1,564.88
Visa (Public Works)	SDA Class	75.00
Werts Window and Awning Cleaning Inc	windows city hall	500.00
Wex Bank-Wright Express FSC	fuel cans	27.79
Ziegler	oil sample results	561.80

**Fund Summary**

<b>Fund</b>	<b>Payment Amount</b>
001 - GENERAL FUND	63004.77
020 - PROPERTY INSURANCE	257344
049 - DRUG EDUCATION	24.55
061 - ECONOMIC DEVELOPMENT	4500
085 - HOTEL/MOTEL TAX	41791.66
092 - TECHNOLOGY FUND	43141.88
115 - GROUP INSURANCE	1000
117 - CIVIL SERVICE	538.88
124 - LOCAL OPTION SALES TAX	90425
125 - T.I.F.	100863.67
300 - CAPITAL IMPROVEMENT	109524.71
620 - SANITARY SEWER	-141.56
660 - AIRPORT ENTERPRISE	5059.91
670 - SOLID WASTE	3250.71
673 - LANDFILL	8719.07
690 - REGIONAL COLLECTION CENTE	1405
746 - GOLF COURSE RESERVE	49107
949 - CENTRAL GRAGE	62.41
950 - FUEL EQUIPMENT	37716.2
Grand Total	<b>817337.86</b>