

SPENCER CITY COUNCIL MEETING

May 16, 2022

SPENCER, IOWA

The City Council of the City of Spencer, Iowa, met on the 16th day of May, 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, Larsen, Wunschel, Hanson, Reit, Balk

Absent: Orrison

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

Approve City Council Minutes of May 2, 2022;

Approve Renewal of Class C Liquor License with Outdoor Service and Sunday Sales for **Clay County Fair Association**, Renewal of Class E Liquor, Class C Beer, Class B Wine, Sunday Sales and Ownership Update for **Caseys #1894** at 800 S. Grand Ave., and Renewal of Class C Native Wine, with Outdoor Service and Sunday Sales and Extended Outdoor Service Area for Flagfest for **Century Farms Distillery**; all subject to final approval by Iowa ABD;

Approve Municipal Band Performance and Funding Agreement for 2022 Season;

Approve Release of Real Estate Mortgage for 1425 3rd Avenue West, from 2001 CDBG Home Rehabilitation Program;

RESOLUTION NO. 6304 RESOLUTION APPROVING CONTRACT AND PERFORMANCE AND/OR PAYMENT BONDS FOR THE 2022 NPRL INTERMEDIATE COVER PROJECT WITH LEROY AND SONS, INC.(\$242,731.60);

RESOLUTION NO. 6305 A RESOLUTION SETTING A HEARING AND DIRECTING PUBLICATION OF NOTICE ON A PROPOSED TEXT AMENDMENT TO TITLE 9, CHAPTER 2, SECTION 1 OF THE SPENCER ZONING CODE TO ADOPT A DEFINITION OF 'DWELLING, TRI-PLEX" AND ALSO AMENDING TITLE 9, CHAPTER 3, SECTION 1, SUBSECTION (A) OF THE SPENCER ZONING CODE TO ALLOW 'DWELLING, TRI-PLEX' TO BE ALLOWED AS A PERMITTED USE IN THE 'A' RESIDENTIAL ZONING DISTRICT (Hearing Date June 6, 2022, 5:30 P.M.);

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

Ayes: Nelson, Larsen, Wunschel, Hanson, Reit, 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 Plans, Specifications, Form of Contract, and Estimate of Cost for Construction of the 2022 North Water Quality Project;

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

NAYS: None

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

RESOLUTION NO. 6306 RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE FOR 2022 NORTH WATER QUALITY PROJECT;

Engineers, Kruse, Cate & Nelson Reviewed Bids Received on 5/12/2022;

Council Member Hanson 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, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

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

RESOLUTION NO. 6307 RESOLUTION AWARDING CONTRACT FOR THE 2022 NORTH WATER QUALITY PROJECT (BD Construction Services, LLC \$312,194.00);

It was moved by Council Member Reit, seconded by Council Member Larsen to Approve Permanent Drainage Easement, Temporary Construction Easement and SRF Grass Swale Maintenance Agreement with Iowa Lakes Community College, in conjunction with the 2022 North Water Quality Project. 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 Public Hearing on Amendment to Current Budget for Fiscal Year Ending June 30, 2022;

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 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, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

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

RESOLUTION NO. 6308 RESOLUTION AMENDING THE CURRENT BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2022;

Council Member Reit introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE AMENDING TITLE 4, CHAPER 5, SECTION 21 OF THE SPENCER CITY CODE CONCERNING SOLID WASTE RATES AND CHARGES” 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, Larsen, Wunschel, Hanson, Reit, Balk
 Nays: None
 Absent: Orrison

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

Council Member Nelson introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 11 OF THE SPENCER CITY CODE CONCERNING WASTEWATER SERVICE CHARGES “ Council Member Reit seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Larsen, Wunschel, Hanson, Reit, Balk
 Nays: None
 Absent: Orrison

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

Council Member Hanson introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE ADOPTING TITLE 8, CHAPTER 1, SECTION 8 OF THE SPENCER CITY CODE CONCERNING USE OF CITY REAL PROPERTY AND EASEMENTS” Council Member Nelson seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Larsen, Wunschel, Hanson, Reit
 Nays: Balk
 Absent: Orrison

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

It was moved by Council Member Reit, seconded by Council Member Wunschel to Approve Change Order No. 1 for the Cotton’s First Storm Sewer Extension Project, for \$13,050, to place and compact excess soil on Lots 5-7 in the Green Industrial Park. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Nelson introduced and caused to be placed on file an ordinance entitled “AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 3, SUBSECTION E OF THE SPENCER CITY CODE, CONCERNING COMMERCIAL PESTICIDE AND HERBICIDE APPLICATION” 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, Larsen, Wunschel, Hanson, Reit, Balk
 Nays: None
 Absent: Orrison

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

It was moved by Council Member Balk, seconded by Council Member Wunschel to Approve Iowa Department of Transportation Agreement for Urban-State Traffic Engineering Program (U-STEP) Project for Grand Avenue Signal Equipment Upgrades. 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 Iowa Opioid Allocation Memorandum of Understanding for Allocation of Opioid Class Action Suit Settlement Proceeds. 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 Larsen to Approve City of Spencer Job Description for Full Time Cemetery Technician. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Reit, seconded by Council Member Wunschel to Approve City of Spencer Employee Handbook Edits, effective July 1, 2022. 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 Balk to Approve Amended City of Spencer Healthy Life Program. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Nelson 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, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

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

RESOLUTION NO. 6309 RESOLUTION AWARDING CONTRACT FOR THE 2022 ROCKET SLIDE RESTORATION PROJECT (Midstates Builders Inc. \$32,054.00);

It was moved by Council Member Reit, seconded by Council Member Wunschel to Approve Change Order #1 to 2021 Spencer Police Department Park Lot Replacement Project, for \$6459.76, to remove and replace the remaining driveway pavement between the Spencer PD and the SMU Plant Building. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Reit, seconded by Council Member Nelson to Approve the Purchase Agreement with Three Pines Properties, LLC and Sandra Thiesen for the City of Spencer's Purchase of Parcel B of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼), Section 6, Township 96N, Range 36 West of the 5th P.M. (5.686 acres), Clay County, Iowa for \$250,000. The Mayor put the question upon the motion, and the roll being called, the vote thereon was as follows:

Ayes: Nelson, Larsen, Hanson, Reit

Nays: Balk, Wunschel

Whereupon the Mayor declared the motion duly carried.

Engineer's Reports:

City Manager's Report:

Mayor's Report:

Council Committee Reports:

Upcoming Meetings:

- NW Iowa League of Cities Meeting, 5/19/2022, Storm Lake
- Public Works Committee Meeting, 5/23/2022, 5:30 P.M.
- Regular City Council Meeting, 6/06/2022, 6:30 P.M.
- Personnel Committee Meeting, 6/16/2022, 5:30 P.M.

It was moved by Council Member Balk, seconded by Council Member Wunschel 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:

- Mike Hareman – Stolley Trail Project
- Hernani Duboco – Senior Center
- Bill Muller – TJ Maxx Project Update and Thank You to the City for Supporting Economic Development

It was moved by Council Member Wunschel and seconded by Council Member Larsen to adjourn the meeting of the Spencer City Council at 7:47 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

Steve Bomgaars, Mayor

ATTEST:

Theresa Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

Vendor Name	Payable Description	Total Payments
A & M Inc	laundry service	254.65
A-1 Portables	mo porta rental	60.00
Advanced Door Systems	receiver and remote	374.00
Airgas North Central	discs and wheels	212.73
Allegiant Technology	fax svce	43.95
Alliant Energy/ILP	mo util chgs	250.99
Alpha Wireless Communications Co	svce	37.50
Amazon Capital Services	teen program	426.71
American Public Works Association	annual dues	740.00
Animal Medical Center PC Hartley/Spencer	animal control	1,125.50
Aquatic Resource Management	story book pond	274.25
Arnold Motor Supply LLP	hydraulic hose	1,827.31
AT & T Mobility	computer cards	1,136.73
Baker & Taylor	kid books	1,184.98

Bierschbach Equipment & Supply Inc	wheel replacements	380.00
Black Hills Energy	utility charges	5,081.19
Bomgaars	supplies	165.34
Book Farm LLC	teen books	119.14
Bound Tree Medical LLC	gloves	249.54
BridgePay Network Solutions LLC	CC fees	9.20
Brown Supply Company	manhole & casting	650.00
Buds Service Inc	towing	300.00
C & B Operations LLC	parts	362.89
C & C Manufacturing LLC	foot pedal	517.31
C & D Used Oil Services LLC	filter disposal	180.00
Carrico Aquatic Resources Inc	water agreement	3,580.20
Carroll Construction Supply	bottled water	315.34
Central Iowa Distributing Inc	litter picking	384.00
Christians Sheet Metal HVAC Inc	condensor motor	160.00
Community Insurance	broker fee	1,000.00
Corporate Translation Services, Inc.	translation service	71.60
Culligan Water of Emmetsburg	water	24.30
Daktronics	scoreboard	4,895.00
DeAnda Bean Walker & Detasselers Inc	litter picking	3,500.00
Diamond Vogel Paint Center # 289	traffic paint	6,705.45
DM Holdings LLC	ty20/21 ssmid	55.37
Dog Waste Depot	bags	296.82
Don Pierson Ford Lincoln Inc	door latch	924.95
Ecolab Pest Elimination	ant treatment	125.00
Elm USA Inc	disc lease	70.00
Emagine	license	178.00
Estherville News and Spirit	police test ad	142.00
Eurofins Environment Testing North Central, LLC	Leachate Testing	633.00
Fareway Stores Inc (Ssmid)	TY 20/21 ssmid	344.73
Fastenal Company	parts	232.11
Galens Pro Mow LLC	t wheels	1,270.72
Galm, Dave	leaf blowers	260.00
Graettinger Hardware	mulch	6.99
Graham Tire Company of Spencer Inc	tire repair	1,742.36
Hansons Plumbing & Heating Inc	sewer repair	820.66
Happy Faces Entertainment LLC	adult program	300.00
Hemphill Law Office PLC	legal services	7,135.76
HLW Engineering Group LLC	landfill testing	2,000.00
Holiday Inn Des Moines Airport	IMFOA conference	235.72
Hy-Vee Food Stores #1636	refreshments	77.54
Ilesha Toft	food truck event	500.00
Ingram Library Services	books	269.25

Iowa Communication Networks	telecommunications	11.82
Iowa Department of Natural Resources Land Quality	class	72.00
Iowa Department of Transportation	snow fence	2,686.50
Iowa Information Inc	advertising	169.00
Iowa Lakes Electric Cooperative	mo utilities	678.00
Iowa Law Enforcement Academy	MMPI testing	150.00
Iowa One Call	one call	65.80
Jacobsen Homes Corporation	ty20/21 ssmid	242.86
Janitors Closet	supplies	383.80
Jungjohan, Cory & Shannon	ty 20/21 ssmid	15.31
Keystone Laboratories Inc	landfill testing	5,463.74
Kieslers Police Supply Inc	ammo	293.72
Knight Protection Inc	alarm service	360.00
Kristat Auto Parts LLC	supplies	233.37
Kruse Cate & Nelson PC	eng svcs	35,358.58
Loffler Companies Inc	copier contract	58.69
MacQueen Equipment LLC	street sweeper	329,730.58
McClure Engineering Co	Eng svcs	12,700.00
Menards -Spencer	supplies	495.39
Mid Iowa Solid Waste Equipment Co Inc	lids for carts	1,684.43
Midwest Land Management Trust Account	earnest money	10,000.00
Mr Drain Man LLC	storm sewer video	235.00
Muller Revocable Trust, William	semi-annual payment	10,250.60
Murphy Tractor - Power Plan	supplies	1,935.55
Napa Auto Parts	battery	1,284.79
New Cooperative Inc	fuel @ C.G.	54,902.77
Nielsen's Tire & Appliances	tire service and lube	84.72
North Central International, Inc.	seal belt	291.89
Northern Lights Distributing Inc	food items & paper goods	223.52
Northern Rolloff	woodchips	1,296.00
Northern Safety & Industrial Co	safety supplies	52.65
Northwest Iowa Planning & Development Commission	ems audit	1,035.73
Palo Alto County Sheriffs Office	GARN006045	201.26
Patton's Powder Coating LLC	playground repair	350.00
PFM Financial Advisors LLC	rate study	13,235.54
Pixler Electric	gate repair airport	7,092.43
Quadient Finance USA Inc	postage replenishment	800.00
R & R Products Inc	supplies	203.85
Ricks Pest Control	pest control	45.00
Schoeneman Bros Company	supplies	406.76
Schumacher Elevator Co	elevator maintenance	550.80
Screen Graphics of Florida Inc	labels	247.38
Sherwin Williams	side boards	143.49

Sioux City Journal Communications	Siouxland Life Golf	109.00
Siouxland Distirt Health Department	food svce license	150.00
Solutions Inc	datto backup	1,373.74
Speed Printers Inc	business cards	42.00
Spencer Ag Center LLC	semi-annual payment	23,922.04
Spencer Auto Parts	coolant	7.90
Spencer Daily Reporter	ads	1,674.38
Spencer Municipal Utilities	mo utility chges	37,317.36
Spencer Office Supplies	supplies	941.22
Spencer Radio Group	ads	1,590.00
Spencer Trophy & Awards	name tags	74.10
Sterling Codifiers	ord 876 - 882	1,480.98
The Messenger	golf tab/telem color	265.00
The Water Connection Inc	flat cups	91.50
Tiger Pride Lawn Care LLC	yard - fire dept	54.02
Titan Machinery-Lake Park	switch	50.99
Tracsystems Inc	printer contract	1,997.00
Tri County Equipment & Repair	hose	3,137.40
Vans Sanitation Inc	recycling	744.96
Verizon Wireless	tablet mo chg	176.59
Wilson, Kathy	adult program	260.00
Wood, Eugene	ty 20/21 ssmid	544.23
World Trade Press	database	300.00
Ziegler	starter	1,269.27
Zimco Supply	washable grm	210.00

Fund Summary

Payment Amount

Fund

001 - GENERAL FUND	88,243.98
056 - PARK RESERVE	4,895.00
061 - ECONOMIC DEVELOPMENT	10,739.55
062 - SHINE LOAN	2,083.33
066 - PUBLIC WORKS EQUIPMENT	329,527.00
092 - TECHNOLOGY FUND	439.99
115 - GROUP INSURANCE	1,000.00
117 - CIVIL SERVICE	292.00
125 - T.I.F.	34,172.64
162 - SSMID	1,202.50
300 - CAPITAL IMPROVEMENT	48,832.58
620 - SANITARY SEWER	8,298.51
660 - AIRPORT ENTERPRISE	10,074.45
670 - SOLID WASTE	14,160.65
673 - LANDFILL	27,482.03
682 - ENVIRONMENTAL MANAGEMENT	1,537.73

635 - SEWER DEBT SINKING FUND	119.44
660 - AIRPORT ENTERPRISE	6120.14
661 - AIRPORT RESERVE	217.92
670 - SOLID WASTE	199349.8
671 - SOLID WASTE RESERVE	952
672 - TRANSFER STATION CLOSURE	9.75
673 - LANDFILL	180385.01
674 - LANDFILL RESERVES	1830.39
677 - LANDFILL PLANNING	211.1
678 - ENVIRONMENTAL PROTECTION	124.81
679 - LANDFILL POST CLOSURE	1069
680 - LANDFILL CLOSURE	690.34
682 - ENVIRONMENTAL MANAGEMENT	154.55
685 - CELL CONSTRUCTION RESERVE	811.59
690 - REGIONAL COLLECTION CENTE	1054.65
746 - GOLF COURSE RESERVE	2083.33
949 - CENTRAL GRAGE	2486.83
950 - FUEL EQUIPMENT	41681.9
	<hr/>
	5147025.85