

**SPENCER CITY COUNCIL MEETING**

**June 6, 2022**

**SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 6<sup>th</sup> day of June, 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

Sheriffa Jones, Spencer Chamber of Commerce Executive Director, Update on Flagfest 2022 Celebration, June 10-12, 2022. Sheriffa also introduced Blake Goss, New Events and Program Director at Spencer Chamber.

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 16, 2022;

Approve Class E Liquor License, Class C Beer, Class B Wine, Sunday Sales and Ownership Update for **Walmart**; Class C Permit and Sunday Sales for **Hy-Vee Gas**; Class C Liquor, Outdoor Service and Sunday Sales for **5:13**; Class B Beer Permit and Sunday Sales for **Iowa Project Brewing Company**; and Outdoor Service Amendments for June 10-12, June 24-26, July 1-4, and July 15-17, 2022 for **Iowa Project Brewing Company**; all subject to final approval by Iowa ABD;

**RESOLUTION NO. 6310 RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY ALLEY IN THE CITY OF SPENCER, AS REQUESTED BY THE IOWA PROJECT BREWING COMPANY, JUNE 10-12, JUNE 24-26, JULY 1-4, JULY 15-15, 2022 AND CLOSING OF CITY PARKING LOTS ON JUNE 25, 2022 FOR A SPECIAL EVENT;**

**RESOLUTION NO. 6311 RESOLUTION AUTHORIZING PERMANENT TRANSFER OF FUNDS OF BUDGETED TRANSFERS FOR MONTH ENDING MAY 31, 2022;**

**RESOLUTION NO. 6312 A RESOLUTION PROPOSING THE SALE OF CITY REAL PROPERTY LEGALLY DESCRIBED AS LOT FIVE (5) OF GREEN INDUSTRIAL CENTER FIRST ADDITION TO THE CITY OF SPENCER, CLAY COUNTY, IOWA, TO BRIAN BLAND, SCHEDULING A PUBLIC HEARING; AND DIRECTING THE PUBLICATION OF NOTICE (Hearing Date 6/20/2022, 6:30 P.M.);**

Approve Country Landscapes, Ames, Iowa, as Subcontractor for 2022 NPRL Intermediate Cover Project;

**RESOLUTION NO. 6313 RESOLUTION APPROVING CONTRACT AND PERFORMANCE AND/OR PAYMENT BONDS FOR THE 2022 NORTH WATER QUALITY PROJECT WITH BD CONSTRUCTION SERVICES, LLC FOR \$312,194.00;**

Approve Diversity Farms, Dedham, Iowa as Subcontractor for 2022 North Water Quality Project;

**RESOLUTION NO. 6314 RESOLUTION APPROVING CONTRACT AND PERFORMANCE AND/OR PAYMENT BONDS FOR THE 2022 ROCKET SLIDE RESTORATION PROJECT WITH MIDSTATES BUILDERS, INC. FOR \$32,059.00;**

Approve Renaissance Initiative Grants as recommended by Renaissance Initiative Committee, as follows:

- Arts on Grand, Creator Classroom Project, \$3562.44
- Clay Co Heritage, Exhibit Barriers, \$2000.00
- Grand Ave. Community Outreach, Automatic Doors, \$5000.00
- Hy-Noon Kiwanis, Sheet pan washer, \$13,500.00
- Lutheran Social Services, SMART Training/Equip., \$3366.00
- NW Iowa Soccer, Soccer nets, \$5000.00

Set Hearing Date for June 20, 2022, at 6:30 P.M. for Budget Amendment #2 to Fiscal Year 2021/2022 Budget ;

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 Proposed Text Amendment to the Spencer Zoning Code to Adopt a Definition of “Dwelling, Tri-Plex” and Amending Zoning Code to Allow “Dwelling, Tri-Plex” as a Permitted Use in the “A” Residential District, 1<sup>st</sup> Filing;

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 placed on file an ordinance entitled “Ordinance Amending Title 9, Chapter 2, Section 1 of the Spencer City Code to Adopt a Definition of “Dwelling, Tri-Plex”; and Amending Title 9, Chapter 3, Section 1, Subsection “A” of the Spencer City Code, to Allow “Dwelling, Tri-Plex” as a Permitted Use in the “A’ Residential Zoning District” Council Member Balk 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.

Council Member Orrison moved that the proposed ordinance entitled “ AN ORDINANCE AMENDING TITLE 4, CHAPER 5, SECTION 21 OF THE SPENCER CITY CODE CONCERNING SOLID WASTE RATES AND CHARGES “ be placed on file for the second time. 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 file before the Council for the second time.

Council Member Orrison moved that the proposed ordinance entitled “AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 11 OF THE SPENCER CITY CODE CONCERNING WASTEWATER SERVICE CHARGES “ be placed on file for the second time. 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 file before the Council for the second time.

Council Member Nelson moved that the proposed ordinance entitled “ AN ORDINANCE ADOPTING TITLE 8, CHAPTER 1, SECTION 8 OF THE SPENCER CITY CODE

CONCERNING USE OF CITY REAL PROPERTY AND EASEMENTS “ be placed on file for the second time. 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 file before the Council for the second time.

Council Member Nelson moved that the proposed ordinance entitled “ AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 3, SUBSECTION E OF THE SPENCER CITY CODE, CONCERNING COMMERCIAL PESTICIDE AND HERBICIDE APPLICATION “ be placed on file for the second time. 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 file before the Council for the second time.

Council Member Orrison, seconded by Council Member Larsen 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: Nelson, Orrison, Larsen, Wunschel, Hanson, Balk  
Nays: None  
Absent: Reit

Whereupon, the Mayor declared the motion carried and said proposed ordinance, at this time, was placed upon its final passage and adoption.

Council Member Nelson moved that the proposed ordinance entitled “ AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 3, SUBSECTION E OF THE SPENCER CITY CODE, CONCERNING COMMERCIAL PESTICIDE AND HERBICIDE APPLICATION ” be finally passed and adopted as Ordinance No. 886. Council Member Wunschel seconded the motion. 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  
Absent: Reit

Whereupon, the Mayor declared the motion carried and Ordinance No. 886 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 886 AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 3, Subsection (E) OF THE SPENCER CITY CODE, CONCERNING COMMERCIAL PESTICIDE AND HERBICIDE APPLICATION;**

It was moved by Council Member Larsen, seconded by Council Member Wunschel to Approve Change Order #6 to Wastewater Treatment Plant Improvements, Phase 2, to extend completion date to July 22, 2022. 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 Nelson to Approve Professional Services Contract for West 24<sup>th</sup> Street Improvement Project with Kruse, Cate & Nelson, PC. 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 Nelson to Approve Change Order #2 to 2021 Library HVAC Project for an increase of \$13,788 for boiler, pump and air handler coil repairs. The motion was declared carried when all Council Members present voted aye on voice call vote.

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

NAYS: None

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

**RESOLUTION NO. 6315 ACCEPTING WORK COVERING THE 2021 SPENCER PUBLIC LIBRARY HVAC PROJECT;**

It was moved by Council Member Orrison, seconded by Council Member Wunschel to Approve Environmental Management System Program Agreement with Iowa DNR for EMS Grant for Mobile Recycling Containers. 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 Nelson to Approve Demolition and Removal of Unsafe Structure at 601 6<sup>th</sup> Avenue East, as recommended by the Planning Department. 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 Grant of Permanent Utility Easement and Temporary Construction Easement with Thiesen Farms, Inc. for 2022 25<sup>th</sup> Street Southwest and 11<sup>th</sup> Avenue Southwest Sewer Extension Project. 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 Change Order #1 to 2021 Intake Replacement Project to reflect as-built project quantities. 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, Orrison, Larsen, Wunschel, Hanson, Balk

NAYS: None

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

**RESOLUTION NO. 6316 ACCEPTING WORK COVERING THE 2021 INTAKE REPLACEMENT PROJECT;**

**Department Head Reports**

Planning Department  
Library  
Fire  
Police  
Public Works  
Park & Recreation – Written Report  
Golf Course  
City Attorney's Report

**Engineer's Reports:**

**City Manager's Report:**

**Mayor's Report:**

It was moved by Council Member Hanson, seconded by Council Member Nelson to Approve the following Board and Commission Appointments, effective 7/1/2022.

- Airport Board, Tim Steffen, term expires 6/30/2026
- Historic Preservation, Bob Rose, term expires 6/30/2025
- Historic Preservation, Cara Elbert, term expires 6/30/2025
- Library Board, David Lyons, term expires 6/30/2028
- Library Board, Jay Oldenkamp, term expires 6/30/2028
- Library Board, Jeff Geiger, 6/30/2028
- Park Board, Joe Yarkosky, term expires 6/30/2028
- Planning & Zoning, Nate Schmidt, term expires 6/30/2027
- Planning & Zoning, Cara Elbert, term expires 6/30/2027
- Plumbing Board of Examiners, Todd Doyle, term exp. 6/30/2026
- SMU Board, Chris Tostenrud, term expires 6/30/2028
- Zoning Board of Adjustment, Don Baxter term expires 6/30/2027

The motion was declared carried when all Council Members present voted aye on voice call vote.

**Council Committee Reports:**

Upcoming Meetings:

- Personnel Committee, Closed Session, 6/16/2022, 5:30 P.M.
- NW Iowa League of Cities Meeting, Arnold Park, 6/16/2022
- Committee of the Whole, 6/20/2022, 5:30 P.M.
- Regular City Council Meeting, 6/20/2022, 6:30 P.M.
- Committee of the Whole Meeting, 7/11/2022, 5:00 P.M., Tour of WTP and Landfill

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 Wunschel and seconded by Council Member Balk to adjourn the meeting of the Spencer City Council at 7:31 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

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ATTEST:

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Theresa Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

<b>Vendor Name</b>	<b>Payable Description</b>	<b>Total Payments</b>
A & M Inc	golf	248.07
Advanced Door Systems	overheard doors	177.00
Airgas North Central	torch	579.91
Aldon Constr Co dba Overhead Door Sales & Service	service call	168.60
Alpha Enterprises	ty 20/21	399.53
Alpha Wireless Communications Co	radio	734.00
Amazon Capital Services	projector parts	714.61
American Business Phones	phone cable	63.09
American Test Center	safety inspection	1,030.00
Arnold Motor Supply LLP	hydraulic hose	860.02
AT & T Mobility	computer cards	1,136.73
Baker & Taylor	kid books	667.23
Balancing Professionals, Inc	CIP testing/balancing	2,000.00
BD Construction Services LLC	repair force	8,662.70
Bjornstad, Chris	ty 20/21	458.35
Black Hills Energy	mo. utilities	204.02
Blacktop Service Company	pay estimate #4	5,190.47
Bolton & Menk Inc	eng svcs	2,261.00
Bomgaars	cemetery items	1,276.81
Brightly Software, Inc.	facility dude	6,826.31
Browns Shoe Fit Company	ty 20/21	64.81
C & B Operations LLC	washers	47.25
C & P Properties	ty 20/21	21.09
Campbells Tree Service	tree removed	8,110.00
Canon Financial Services LLC	copier contract	172.46
Carey, Mark	ty 20/21	286.15
Careys Electronics	projector service	85.00
Carrico Aquatic Resources Inc	parts	408.08



Carroll Construction Supply	rebar chairs	642.82
Christiansen Construction Company	pay estimate #14	337,200.58
Clay County Auditor	monthly share LOST	22,145.80
Clay County Engineer	culvert	1,241.00
Clay County Regional Event Center	monthly contribution	4,166.66
Clear Creek Acres	litter picking	875.00
Coffmans Locksmith Shop	keys	46.00
Community Insurance	June Fee	1,000.00
Cooperative Energy Company	fuel	11,459.22
Cory Juergens Construction LLC	pay est #2	32,775.00
Crescent Electric	supplies	37.62
Druvenga, Arvin	Sidewalk Grant	759.00
Emagine	monthly hosting of website	274.45
Emmetsburg Swanson Hardware	supplies	20.99
Employee Benefit Services	mo group ins	143,881.36
Fairchild Manufacturing Inc	dumpster repairs	2,735.00
Fareway Stores Inc #788	5/16/22 Seniors	248.87
Fastenal Company	water packets	347.94
Feld Fire	pumper truck	522,061.46
Four B Construction LLC	ts lining project	76,444.00
Galens Pro Mow LLC	parts	290.68
GF Land Partnership	ty 20/21	186.29
Goodyear Tire & Rubber Company	tire	78.91
Graettinger Hardware	jump starter	265.97
Graettinger Market	supplies	29.52
Graham Tire Company of Spencer Inc	tires	1,811.52
Great Lakes Concrete Inc	concrete tables	5,223.75
Great Plains Structures LLC	bio solids tank	27,600.00
Groen, Betty	ty 20/21	21.55
H & N Chevrolet Buick Co Inc	ty 20/21	825.24
H & S Roofing Company Inc	repair	106.25
Hahn, Dennis & Cynthia	ty 20/21	227.59

Hall, Steven & Jeannie	ty 20/21	51.75
Hard Tops of Iowa	refinish countertops	664.00
Hy-Vee Food Stores #1636	Joint mtg- city/county	98.65
IACMA	IACMA conf	160.00
Ingram Library Services	books	104.88
Inspiron Logistics LLC	WEN - non emergency service	2,640.00
Iowa Department of Natural Resources Land Quality	class	24.00
Iowa Department of Revenue	April 2022 Sales Tax	13,469.78
Iowa Department of Transportation	thermal paper	110.40
Iowa Finance Authority	principal/interest/service fee	797,593.87
Iowa One Call	iowa one call April 2022	104.60
Iowa Sports Supply	supplies	408.00
Iowa State Sheriffs' & Depities' Association	training	25.00
Jaah Inc	ty 20/21	172.69
Jacks Uniforms & Equipment	replace holster	153.94
Janitors Closet	supplies	710.35
Johnston Automotive & Industrial of Spencer IA Inc	battery	612.07
Kim Marie Driftmier Estate	Land Purchase Balance	270,000.00
Kimball Midwest	supplies	157.94
Koenig Portable Toilets	stolley	1,535.00
Krier & Blaine Inc Heating AC & Plumbing	pay est #5	21,447.00
Kristat Auto Parts LLC	parts	118.69
KW Electric Inc	pump	1,583.41
Lawson Products, Inc.	supplies	53.84
Leading Edge Aviation Inc	monthly fees	3,375.00
Lube Tech	oil	669.83
Mar-Lin Business Supply	supplies	17.59
Maurer, Paul & Barbara	ty 20/21	1,256.41
Mehesan Revocable Trust, Don	ty 20/21	594.76
Menards -Spencer	supplies	2,240.24
Midwestern Mechanical-Fire Protection	inspection and testing	400.00
Miller, Lee & Brenda	ty 20/21	267.51

Mischke, Larry	refund	100.00
Mr Drain Man LLC	drain cleaning	200.00
Napa Auto Parts	parts	1,650.30
New Century Press	ads	101.26
New Cooperative Inc	fuel	29,362.89
North Central International, Inc.	fuel strap	1,649.86
North Iowa Lumber & Design	litter fences	108.84
Northern Lights Distributing Inc	supplies	742.46
Northern Safety & Industrial Co	safety shirts	46.95
Northwest Bank	ty 20/21	2,205.76
Northwest Iowa League of Cities	registration	60.00
O Brien County Implement Inc	coils	180.28
People for Pets	monthly agreement	600.00
Peterbilt of Sioux City	repairs	603.60
Petty Cash - Library	supplies	149.80
Petty Cash-Spencer Municipal Golf Course	golf check book	5,050.28
Plumbing & Heating Wholesale Inc	parts	575.40
Productivity Plus Account/Spencer Red Power	parts	38.72
Realty Professionals	rent	1,747.00
Ricks Pest Control	pest control	45.00
River Valley Telecommunications Coop	phone/internet/office	96.05
Rouse Tire & Repair LLC	tires	706.80
Royal Publishing	ad	90.00
Schoeneman Bros Company	parts	1,393.19
Shine Brothers Inc	proess cardboard	18,153.60
Solutions Inc	datto backup	1,867.50
Speed Printers Inc	DARE Raffle	162.96
Spencer Area Jobs Trust	qhi grant	12,500.00
Spencer Chamber of Commerce	adult program	50.00
Spencer Community Schools	Monthly LOST Share	50,156.18
Spencer Family YMCA	pool contract	27,810.60
Spencer Municipal Hospital	drug test	1,511.23

Spencer Municipal Utilities	repair	584.25
Spencer Office Supplies	supplies	104.16
Squire Promotional	clothing	2,055.03
SS Morton, Inc.	signs	310.00
Storm Lake Hydraulics	repairs	735.50
The Cartridge Connection Inc	laser cartridge	359.85
The Lakes News Shopper	dispatch ad	185.40
The Retrofit Companies Inc	recycling	629.40
The Water Connection Inc	water	26.00
Tiger Pride Lawn Care LLC	weed control	307.56
Toyne	parts	454.77
Truck Equipment Inc	parts	193.48
UMB Bank	principal / interest payment	759,545.00
Unity Point Clinic-Occupational Medicine	drug screens	630.00
US Filter Corporation	oil filters	150.00
Utility Equipment Company	clay flex	795.59
Vander Haags Inc	ac repair	1,264.40
Veolia Water North America	operating contract	73,942.72
Verizon Wireless	pole cmeras	216.72
VHB Partnership	ty 20/21	534.26
Visa (Admin)	membership renewal	3,527.19
Visa (Fire)	wireless probe/transmitter assembly	504.05
Visa (Golf)	supplies	224.74
Visa (Landfill)	thermal camera	465.43
Visa (Library)	teen program	808.87
Visa (Planning)	Preserve IA Summit	557.46
Visa (Police)	ULINE-evidence boxes	386.11
Visa (Public Works)	AmericInn-training	812.48
Wex Bank-Wright Express FSC	fuel charges	459.87
WOK On LLC	ty 20/21	152.59
Woodford Equipment Inc	weed eater	345.25
Woodman Controls Company	fire station support visit	1,075.00

Ziegler

filters

140.92

<b>Fund Summary</b>	<b>Payment Amount</b>
<b>Fund</b>	
001 - GENERAL FUND	87765.53
045 - LIBRARY RESERVE	23447
049 - DRUG EDUCATION	120.96
052 - FIRE RESERVE	522061.46
055 - SIDEWALK RESERVE	759
056 - PARK RESERVE	65.42
061 - ECONOMIC DEVELOPMENT	933.36
085 - HOTEL/MOTEL TAX	4166.66
090 - QUALITY HSG INITIATIVE	12500
092 - TECHNOLOGY FUND	7101.26
115 - GROUP INSURANCE	144881.36
117 - CIVIL SERVICE	1216.19
124 - LOCAL OPTION SALES TAX	70218.65
162 - SSMID	7672.71
200 - DEBT SERVICE	923045
300 - CAPITAL IMPROVEMENT	377227.05
615 - WTP RESERVE	27600
620 - SANITARY SEWER	94240.07
635 - SEWER DEBT SINKING FUND	634093.87
660 - AIRPORT ENTERPRISE	5209.16
670 - SOLID WASTE	31769.52
671 - SOLID WASTE RESERVE	76444
673 - LANDFILL	9466.89
674 - LANDFILL RESERVES	270000
690 - REGIONAL COLLECTION CENTE	1361.88
949 - CENTRAL GRAGE	34.09
950 - FUEL EQUIPMENT	37504
	<b>3370905.09</b>